

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

VENTURIST, INC.,

PLAINTIFF,

VS.

PAT MAUNEY,

DEFENDANT.

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CIVIL ACTION NO. 2:06cv494-SRW

AFFIDAVIT OF COLONEL JOHN WARDEN

Before me, the undersigned authority, on this day personally appeared Colonel John Warden, who being by me first duly sworn, deposed and stated upon his oath the following:


My name is Colonel John A. Warden, III. I am over the age of twenty-one (21) years and I live in Pike Road, Alabama. I have personal knowledge of the following:

I am the President of Venturist, Inc., a company which I founded in 1995. I filed this lawsuit in the Circuit Court of Montgomery County, Alabama on behalf of Venturist, Inc. It was subsequently removed to this Court. The current lawsuit was not filed for any improper reason or with any improper motive.

Venturist, Inc. has one office, which is located in Montgomery, Alabama. Corporate documents are maintained at the Venturist, Inc. home office in Montgomery, Alabama. Pat Mauney did not have possession or access to many corporate documents which may be material to this lawsuit.

Venturist, Inc. has three full-time employees, myself, Vice-President Mike Cline, and Office Manager Lisa Bradley, who are material witnesses in this case. If all three of us have to

travel to California to testify in this matter, I will have to shut the business down until after we return to Alabama. This would create a significant financial burden and hardship on me, my business, and my co-workers. Although I do travel for the company, I perform a significant amount of work at the corporate office in Montgomery, Alabama. It is far more convenient and less financially taxing for me, my company, and my co-workers to testify in Alabama rather than California.


COLONEL JOHN A. WARDEN, III

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Before me, the undersigned Notary Public, did personally appear COLONEL JOHN A. WARDEN, III who states to me that he is aware of the contents of the foregoing document, and that he did execute it voluntarily.

SWORN TO and SUBSCRIBED before me on this the 28th day of July, 2006.


NOTARY PUBLIC

My commission expires: 10/4-2006